

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALONZO MOREFIELD, JR.

*

Plaintiff,

*

v.

*

2:07-CV-80-MHT

KATHY HOLT

*

Defendant.

*

ORDER ON MOTION

Plaintiff has filed a Motion for Leave to File a Motion for Summary Judgment. Plaintiff is advised that in this court's January 31, 2007 order of procedure, the undersigned directed Defendant to file an answer and written report, and that all parties to the complaint refrain from filing motions for summary judgment, motions to dismiss, or any other dispositive motion without permission of the court. (Doc. No. 9.) Following Defendant's filing of her answer, special report, and supplemental special report, the court entered an order on April 18, 2007 which granted Plaintiff an opportunity to file a *response* to such pleadings. (*See* Doc. No. 22.) The April 18 order further informed the parties that, "at some time in the future the court will treat Defendant's report and Plaintiff's response as a dispositive motion and response."

The court's directive prohibiting the filing of dispositive motions without leave of court does not prevent the parties from filing non-dispositive motions such as written reports, responses, or various non-dispositive motions and/or pleadings. Plaintiff has, in fact, filed

responsive pleadings to Defendant's written report, as supplemented. (*See* Doc. Nos. 20, 23.) While the court declines Plaintiff's request for leave to file a dispositive motion at this juncture in the proceedings, such action does not mean that it will not consider Plaintiff's September 7, 2007 motion, including the proposed dispositive motion, as a *response* to Defendant's written report, as supplemented, when it addresses the merits of this case.¹ Consequently, the undersigned concludes that Plaintiff's Motion for Leave to File a Motion for Summary Judgment shall be denied.

Accordingly, it is ORDERED that Plaintiff's September 7, 2007 Motion for Leave to File a Motion for Summary Judgment (Doc. No. 26) be and is hereby DENIED.

Done, this 10th day of September 2007.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE

¹Plaintiff is also advised that review of the file in this case demonstrates that no additional documents are necessary to the disposition of the issues pending in this case. Accordingly, the court finds that no further pleadings in this case with respect to the issues pending before the court, and which Plaintiff has addressed in his responses to Defendant's special report, are necessary.